HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.8097 of 2006

Dt.21.4.2006

Between:

Javvaji Satyanarayana … Petitioner

And

The Govt. of A.P., rep. By its Secretary,

Department of Panchayat Raj,

Secretariat, Hyderabad and others

…Respondents

ORDER:

The petitioner questions the proposed action of the respondents in laying road through the lands of the petitioner S.No.143 of Gudur Village,Vemsur Mandal, Khammam District, without acquiring the same as illegal and arbitrary.

It is the case of the petitioner is that he is the absolute owner and possessor to an extent of land in Ac.21.00 gts in S.No.143 of Gudur Village, Vemsur Mandal, Khammam District, having purchased the

same from Paritala Narayana and his son on 11.11.1981 under the registered sale deed. From the date of its purchase, the petitioner is in possession and enjoyment of the said land and he developed mango garden therein. It is stated that the petitioner got two major sons and there was a partition among the petitioner and his sons and the petitioner got Ac.3.00 of land. It is stated that due to scarcity of water he dug a bore well and got electricity connection. It is stated that the Government of Andhra Pradesh under Indira Adarshagrammam had chosen seven panchayats in Vemsur Mandal and Gudur is also one such village. Under the said scheme the respondents have taken up the work of laying internal roads leading from Y.S.Banjara to Kollurgudem. It is stated that earlier there was a proposal to lay a road and in fact the road was laid to some extent and the same was abandoned midway. While so, respondents 3 and 4 herein visited the land of the petitioner and marked certain area for the said proposed road.

Heard the learned counsel for the petitioner and the learned Government Pleader on behalf of the respondents.

I am not inclined to express any opinion whether already any road is existing and whether the respondents are going to develop the existing road alone or not. No doubt, widening/laying of the road is in the public interest but while laying the road, if any property of private individual is coming in the way, it is for the respondents to acquire the same either by way of initiating land acquisition proceedings or by following the due process of law.

Having regard to the facts and circumstances of the case, the respondents are directed not to dispossess the petitioner from any portion of the land of the petitioner without following due process of law either by way of private negotiations or by way of acquiring the said land by initiating the proceedings under the Land Acquisition Act, 1894.

The writ petition is accordingly disposed of. No costs.

_____

V.ESWARAIAH, J.

21.4.2006

Note: Issue copy by 24.4.2006

kpr